

House Study Bill 33 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to a schedule established by the environmental
2 protection commission for civil penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.109, subsection 1, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:

3 The commission shall establish, by rule, a schedule or range
4 of civil penalties which may be administratively assessed.
5 The schedule shall provide procedures and criteria for the
6 administrative assessment of penalties of not more than ~~ten~~
7 fifty thousand dollars for violations of this chapter or rules,
8 permits or orders adopted or issued under this chapter. In
9 adopting a schedule or range of penalties and in proposing or
10 assessing a penalty, the commission and director shall consider
11 among other relevant factors the following:

12 EXPLANATION

13 This bill relates to a schedule established by the
14 environmental protection commission for civil penalties
15 administratively assessable by the department of natural
16 resources. Currently, the environmental protection commission
17 is required to establish a schedule or range of civil penalties
18 of not more than \$10,000 which may be administratively rather
19 than judicially assessed. The bill increases the maximum
20 administratively assessed civil penalty amount from \$10,000 to
21 \$50,000. The administrative assessable civil penalties apply
22 to a number of provisions in Code chapters 455B, 459, 459A, and
23 459B, all providing for environmental protection.